

# **EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

NETWORK-1 TECHNOLOGIES, INC. )  
DOCKET NO. 6:13cv72  
-vs- )  
Tyler, Texas  
8:17 a.m.  
HEWLETT-PACKARD COMPANY, ET AL November 10, 2017

TRANSCRIPT OF JURY TRIAL  
MORNING SESSION  
BEFORE THE HONORABLE ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE PLAINTIFF:

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1 patent, yes, they could apply for re-examination.

2 Q. And, indeed, in the '401 reexamination, Network-1 did  
3 apply for additional claims, didn't they?

4 A. They did submit new additional claims, yes.

5 Q. So let's talk about when the re-examination is  
6 instituted or granted. What has to happen first?

7 A. Well, the Patent Office has to decide whether or not the  
8 evidence that's submitted to the Patent Office in the request  
9 for re-examination, this new evidence that I talked about,  
10 whether that establishes what's called a substantial new  
11 question of patentability.

12 In other words, is the information that the  
13 requester puts forward to base the re-examination on, does it  
14 raise the question of patentability of the claims?

15 Q. Okay. And, indeed, was there a substantial new question  
16 of patentability to be determined?

17 A. Yes. The Patent Office decided that there was a  
18 substantial new question of patentability in the -- in the  
19 request for the first re-examination, so they started the  
20 process of re-examination.

21 Q. And in the first re-examination, were all of the claims  
22 of the '930 patent rejected?

23 A. Initially, yes. The first office action by the PTO,  
24 they rejected the claims, yes.

25 Q. And after all the claims of the '930 patent were

1 Q. Yeah. I'm focusing on the '401 right now --

2 A. Right.

3 Q. -- with respect to that case.

4 A. Right.

5 Q. Okay. Do you recall whether any of the pleadings in  
6 that case were filed with -- in this particular case were  
7 filed in the '401 re-exam?

8 A. I don't believe so, no.

9 Q. And after there was a private meeting, with respect to  
10 Dr. Knox and Corey Horowitz and the lawyers, what happened to  
11 the claims?

12 A. The -- the next action was by the Patent Office, and  
13 they confirmed the patentability of those claims.

14 Q. Okay. But, again, the patentability was confirmed  
15 without hearing from David Fisher, the Fisher system, the  
16 witnesses in this case, and all the documents in this case.

17 A. Correct. The Patent Office didn't have all of the  
18 information that the jury has now in this case.

19 Q. All right. Now, there was another re-examination,  
20 right?

21 A. The second -- yeah, the second re-examination.

22 Q. And is that the '444 re-examination?

23 A. Yes.

24 Q. Tell us about that.

25 A. Well, it was a second request or second challenge, and

1 it was a request to re-examine the case -- or the '930 a  
2 second time. My recollection, it was filed by Sony  
3 Corporation.

4 Q. So it was filed by Sony. So Sony actually thought they  
5 ought to at least be able to speak or submit whatever they  
6 wanted to to the Patent Office?

7 A. Correct. They get to submit one time. They get to  
8 submit the request for re-examination with what they consider  
9 to be new information that would establish a substantial new  
10 question of patentability.

11 Q. And was there, indeed, found again the second time, a  
12 substantial new question of patentability?

13 A. Yes. The Patent Office found that there was, based on  
14 the information that Sony sent in.

15 Q. And what does that mean, a substantial new question of  
16 patentability?

17 A. Well, it just means that in view of the information that  
18 was submitted in that request from Sony, it raised questions  
19 with respect to the patentability of the claims in the '930  
20 to the high enough extent that the Patent Office figured it  
21 was worth taking a second examination --

22 Q. Okay.

23 A. -- a re-examination.

24 Q. And so they granted a second re-examination, and, again,  
25 did the Patent Office hear from David Fisher or the Fisher

1 system?

2 A. No. That wasn't part of what the Patent Office  
3 considered.

4 Q. Did they hear from the various witnesses in this  
5 particular case with respect to David Tremblay or Brian  
6 Dowling or David Dwelley or the TI witnesses and Microsemi  
7 witnesses? Did they hear from any of those witnesses?

8 A. No. No. They were -- the PTO did not hear from them,  
9 no.

10 Q. What happened to the claims in the '444 re-exam?

11 A. Well, again, similarly they were -- they were initially  
12 rejected by the Patent Office.

13 Q. All claims that were submitted for re-examination were  
14 initially rejected?

15 A. That's my recollection, yes.

16 Q. And then what happened?

17 A. And then there was another interview similar to the  
18 first re-examination where essentially the same folks that  
19 were -- that came in for the interview in the first  
20 re-examination came in and talked to the Patent Office again.

21 Q. So the Patent Office found a substantial new question  
22 about the patentability, like I'm wondering if this is right;  
23 is that fair?

24 A. Correct.

25 Q. And then they rejected all the claims.

1 A. Correct.

2 Q. And then Corey Horowitz and his team came and visited  
3 with the Patent Office in private?

4 A. Again, just like they did in the first one, yes.

5 Q. Is that proceeding recorded so that we can review it and  
6 see what they said to the Patent Office?

7 A. It's not recorded verbatim, but there is a summary that  
8 the patent examiner will -- will write up and put into the  
9 file, a short summary, but it's clearly not everything  
10 that -- it's not recorded in the sense of a transcript or a  
11 tape or anything like that.

12 Q. Who was with Mr. Horowitz in this second visit to the  
13 Patent Office? Was his legal team there as well?

14 A. Yes. That's my recollection, yes.

15 Q. And that included again Mr. Dovel's partner, Sean Luner?

16 A. That's my recollection, yes.

17 Q. And, again, did Mr. Knox -- Dr. Knox --

18 MS. DOAN: I'm sorry, Dr. Knox.

19 Q. (By Ms. Doan) -- travel to Washington, D.C. to speak to  
20 the Patent Office?

21 A. I believe he did, yes.

22 Q. Did the Patent Office get to hear in the '444  
23 re-examination about the prior art combination that this jury  
24 is going to hear about?

25 A. No. The -- the request for re-examination that came in



1 that outlined the combination didn't include the combination  
2 that I understand will be brought forward to the jury in this  
3 case.

4 Q. And that's the Fisher, Chang, and Woodmas combination?

5 A. Correct.

6 Q. Did they get to hear from any of the HP witnesses about  
7 how HP's product worked?

8 A. No, they didn't hear from HP.

9 Q. Did they get to hear about anybody from the IEEE?

10 A. No.

11 Q. Did they hear about any -- did they hear about anything  
12 else that -- the documents that we have in this particular  
13 case, with respect to the expert reports in this case, were  
14 they before the re-examination board?

15 A. To the best of my recollection, I don't believe the  
16 expert reports in this particular case were. There were some  
17 documents that were submit -- there were -- there was a long  
18 list of documents in the second -- in the second  
19 re-examination --

20 Q. There were --

21 A. -- that were submitted.

22 Q. There were some.

23 A. Yes.

24 Q. And there -- in fact, our invalidity contentions were  
25 brought before the Patent Office, right?

1 Q. And to be fully candid, the Patent Office has seen the  
2 Fisher patent by itself, right?

3 A. Yes. That's what I was alluding to, yes. It was -- it  
4 was cited in -- in -- in the file, yes, amongst many other  
5 patents.

6 Q. And the Patent Office has seen the Chang reference by  
7 itself, fair?

8 A. Correct.

9 Q. And it's seen the Woodmas reference by itself, correct?

10 A. Yes.

11 Q. But each of them are missing certain elements that, in  
12 combination, have never been before the Patent Office.

13 A. Exactly. The -- the explanation of combining and how  
14 those patents might be combined to invalidate the patent,  
15 that explanation was never before the Patent Office.

16 Q. And then Judge Fogel goes on to say: And of course,  
17 there's a possibility that mistakes were made or important  
18 information was overlooked.

19 Do you see that?

20 A. Yes.

21 Q. And I know you used to be the former commissioner of  
22 patents. Mistakes can happen anywhere, fair?

23 A. We're all human, and mistakes can be made. And, you  
24 know, one of the -- one of the things that could occur is  
25 that they didn't have -- when the Patent Office made the

1 A. I'd like to explain what an IDS is.

2 Q. Yeah, sure.

3 A. An IDS is an information disclosure statement, and that  
4 would have been sent in or this one was sent in by the patent  
5 owner during the reexamination process. It's different than  
6 the request for reexamination. The request for reexamination  
7 only lists three or four or five patents and describes in  
8 detail the case to be made why the claims would -- would not  
9 be patentable.

10 After that, an IDS is filed or could be filed and  
11 it is -- an IDS is literally just a list of patent numbers,  
12 and the three patents that you just mentioned were submitted  
13 in that type of an IDS filing.

14 Q. And I've put that on the board now. That's D97, Page  
15 860. Is this what you're referring to?

16 A. Yeah. That's the listing. I mean, it's literally a  
17 list of patent numbers. Yes. These no -- there's no  
18 explanation. There's no discussion of those documents.

19 Q. And it mentions Chang, Woodmas and Fisher, right?

20 A. Correct.

21 Q. Now, did you see whether there was actually any  
22 discussion in the reexams of Chang, Woodmas, and Fisher, that  
23 is, discussion by the patent owner?

24 A. In -- in any other -- either of the reexaminations?

25 Q. Right.

1 2003, went on to be responsible for 3Com -- excuse me --  
2 Texas Instruments' RF and wireless. The world's first single  
3 chip, 802.11 chip, for mobile phones was ours, and we went to  
4 number one market share in Wi-Fi in cell phones.

5 And what you now -- you know, when you use your  
6 cell phone and you're using the Wi-Fi, that's a lot of stuff  
7 that we pioneered in that time frame.

8 After that, 3Com -- excuse me -- TI got out of the  
9 wireless business, and I went off in 2008 to start my own  
10 company again called R2 Semiconductor where we went off and  
11 developed some very high-performance technology for power  
12 management, and I am presently doing power management and  
13 President and CEO of R2.

14 QUESTION: In general, what were your roles and  
15 responsibilities while you were employed at 3Com?

16 ANSWER: I was responsible for developing the  
17 wireless networking technology. I managed an engineering  
18 group, and I was the guy that worried about the system  
19 problems, you know, was kind of the key architect on a lot of  
20 things and managed the engineers' day-to-day activity.

21 QUESTION: Did you ever do any research or  
22 development in the Power over Ethernet field?

23 ANSWER: Yeah, we did. I -- myself and Larry were  
24 kind of the key inventors of it.

25 QUESTION: And who is Larry?

1           ANSWER: Excuse me?

2           QUESTION: Who is Larry?

3           ANSWER: Larry Burns was co-inventor, and his name  
4 is on the patent.

5           QUESTION: How did the idea come about to do the  
6 research on Power over Ethernet?

7           ANSWER: We were -- as we were developing the  
8 wireless data network, one of the marketing requirements and  
9 the feedback we got from the IT managers, information  
10 technology managers, the guys that took care of the Ethernet  
11 and the data networking corporations, is they really did not  
12 want the access point sitting on a desktop. They wanted it  
13 someplace remote, someplace that people couldn't pick it up  
14 and take it.

15           Data networking was all very new at the time, and  
16 one of the common problems people had was people were  
17 unplugging things. You know, they would see something new  
18 and go: Hey, what's that, you know, and they unplug it, and  
19 the network goes down.

20           So one of the key requirements for rolling out the  
21 technology was making it remote that the average person  
22 couldn't gain access to.

23           So about that time, people were mounting  
24 projectors. Instead of having a, you know, projector on your  
25 desk, they were starting to mount them on the ceiling. And I

1 was sitting there one day going, well, we could put that up  
2 there.

3 And that came -- then I realized quickly that if we  
4 hung the access point from the ceiling, we would solve the  
5 remote problem, that people couldn't touch it easily, and we  
6 had better coverage. You could get better coverage  
7 wirelessly, cover more area more thoroughly.

8 The problem then was how do you get DC power to it?  
9 Nobody wanted to call the electrician to run an AC outlet up  
10 there for 110. You know, in a building like we're in today  
11 and most commercial buildings, you'd have to get a  
12 licensed -- and certainly in San Francisco, it would have to  
13 be unionized, a union electrician, and they'd have to run  
14 metal conduit, and they'd have to run wires.

15 And the building code for all of that drove the  
16 expense up, and we realized that the better way to do it was  
17 to run the power over the data line and remotely power it.

18 And as we started thinking about that, it also gave  
19 rise to addressing solutions -- addressing another key  
20 care-about, which was security.

21 In the early days of data networking, when  
22 everybody had a desktop computer and it was just then moving  
23 to portable computers, the IT managers never worried so much  
24 about security of the network, because if you got through the  
25 front door, you were either an employee or you were allowed

1 to be there, and nobody carried a desktop computer with them,  
2 you know.

3 So up until that time frame, IT managers didn't  
4 really worry about network security. They figured, if you  
5 were there and you had access to the building, you could --  
6 you were allowed to be there, and you could stick an Ethernet  
7 cable in, and you were supposed to be there, right?

8 But they released all of a sudden, with the advent  
9 of the notebook computers or portable computers, as we called  
10 them then, that somebody could walk in and plug into the  
11 network.

12 So in that time frame, 1993, '94, '95, with the  
13 advent of portable computing, IT managers were just then  
14 starting to think about securing the premise, and they  
15 realized they had a really big hole coming up that anyone  
16 could walk in with a wireless access point, plug it in, walk  
17 out of the building, and then sit in the parking lot, and  
18 access the network.

19 So in that time frame, the key care-about of make  
20 it hard for the average person to get to, so they don't  
21 unplug it and do something, make it secure and make it that  
22 we can manage security.

23 All of those things kind of conspired and came  
24 together to -- and the Power over Ethernet was a great way to  
25 solve it. We didn't have to call an election. We could

1 remotely power it. We could authenticate and identify what  
2 it was. We could shut it down. There was all sorts of  
3 remote management, remote manageability once we had the  
4 solution in place.

5 So those -- I'm sorry -- long answer to a short  
6 question, but those were the motivations at the time.

7 QUESTION: During your research in the Power over  
8 Ethernet field, was one of your concerns whether or not the  
9 device -- the access device that was plugged into the  
10 Ethernet cable, was actually capable of using Power over  
11 Ethernet?

12 ANSWER: It was kind of the opposite of that. We  
13 wanted to make sure that we weren't blowing up a regular  
14 Ethernet adapter card.

15 So we didn't care -- we weren't so much concerned  
16 with was it PoE; we were more concerned with was it not PoE.

17 You know, because at the time, and still is today  
18 the case, in order to impedance match the Category 5 wiring  
19 or the Ethernet wiring in the building, they hang a 75-ohm  
20 resistor on each end.

21 And if all you did was had that resistor out there,  
22 which was on your Ethernet card, and you plug the cable into  
23 a Power over Ethernet for a 24-volt supply, so much current  
24 would go down, you would blow up the Ethernet card.

25 So we were more concerned about detecting that it



1 wasn't an Ethernet card; and if there was an Ethernet card  
2 that got plugged in by mistake, you shut down right away.

3 And then if you got beyond that state, then you  
4 were authenticating for security, and was this a network  
5 device allowed to attach to the network, and could you  
6 control it to keep -- could you turn it off at night? Could  
7 you manage every node and keep track of who was out there?

8 So once -- you know, once you authenticate and you  
9 know that the access point is allowed to be there hooked up  
10 with Power over Ethernet, well, you want to make sure that  
11 all the wireless network, all the wireless cards that come in  
12 similarly are allowed on the network.

13 And those were the kinds of concerns that we cared  
14 about.

15 QUESTION: Have you ever had applied for and  
16 received any patents?

17 ANSWER: Yes.

18 QUESTION: You have in front of you what's been  
19 marked as Exhibit 1, which is three pictures.

20 ANSWER: Yeah.

21 QUESTION: Do you recognize what's shown in  
22 Exhibit 1?

23 ANSWER: I do.

24 QUESTION: Are you familiar with the devices that  
25 are portrayed in these three photographs?

1 ANSWER: Very familiar with them.

2 QUESTION: And how are you familiar with these  
3 devices?

4 ANSWER: Those are the access point motherboard,  
5 the access point, and the access point mounting bracket that  
6 I designed in '94 through '94 time frame.

7 QUESTION: Did you take these photographs?

8 ANSWER: I did.

9 QUESTION: Do the photographs fairly and accurately  
10 represent the devices as they existed in 1996?

11 ANSWER: These are pictures of devices that were  
12 second-generation devices that were built and assembled in  
13 '96. And you can see the -- the stenciling on this 3Com  
14 board that says: All right reserves (sic), Copyright 1996.

15 QUESTION: Were the devices that are in the three  
16 pictures of Exhibit 1 all in existence in 1996?

17 ANSWER: Yeah, uh-huh, they were. And I still have  
18 them in my backpack.

19 QUESTION: Mr. Fisher, you have in front of you  
20 what's been marked as Exhibit 1, which is three pictures. Is  
21 there any way that you can tell from these pictures when this  
22 access device was built?

23 ANSWER: Well, this would have been assembled  
24 sometime in 1996 because of the date on the silk screen, on  
25 the motherboard.

1           QUESTION: I believe you mentioned earlier today  
2 that you have these devices with you?

3           ANSWER: I do.

4           QUESTION: Could you access those?

5           ANSWER: Yeah. Yes.

6           This was a first-generation of the -- sorry. This  
7 is the first generation of a prototype where you stick this  
8 into the front of the hub, and then the Ethernet cable went  
9 in here to remotely power it.

10          So this is the mounting bracket that we mentioned  
11 before, and I was really proud of this because I had two  
12 little clips, and you just stick it up to the T-bar and go  
13 click, like that, and that's the one picture you see.

14          And then this is the access point. And the cover  
15 on the back, which may not be here, snapped on like that, and  
16 there was a nice, pretty plastic thing over it.

17          And this was the antenna. I think he indicated  
18 2.4 gigahertz. So this thing would sit on top, attach to the  
19 T-bar, and this thing attached to it, and then you had your  
20 coverage.

21          These are the boards that are inside of this. We  
22 can take that out, if you'd like. The radio portion of it  
23 was in the bottom, and that's just the radio, of which I've  
24 got a card here somewhere.

25          And this is the access point that actually had the

1 Power over Ethernet electronics. And these are just the  
2 PCMCIA cards that would -- you know, you would put in your  
3 computer and talk on the other side.

4 And -- and that was other stuff. So, yeah, I've  
5 got all that kind of stuff around here.

6 QUESTION: So the system that you've just shown us,  
7 is it okay if I call this the Fisher system?

8 ANSWER: Sure. You can call it the Fisher system.  
9 It was the -- it was the first Power over Ethernet. And I  
10 was thinking, if I were really bold, I would get out the  
11 charger and the Ethernet and fire it up, which we probably  
12 could do.

13 You know, this was the -- just a regular wall wart  
14 that -- in this prototype -- it was in the days -- this was a  
15 prototype that existed prior to us building it into the hub.

16 So in order to test it, we would, you know, plug  
17 that in, stick this into the front of the hub, and then take  
18 the 10BaseT wiring that was in the building and plug it in  
19 here, so...

20 QUESTION: And did you actually implement powering  
21 an access device using Power over Ethernet technology in  
22 1996?

23 ANSWER: Well, we probably had it working in '95.  
24 This was second generation that was done in '96. But, yeah,  
25 we probably had done it in 1995. But, yeah, this was -- this

1 was it.

2 QUESTION: Did the Fisher system do any type of  
3 staged powering up?

4 ANSWER: Yeah. We powered up -- the first thing we  
5 did was set a current limit to make certain we weren't --  
6 nobody inadvertently attached a regular Ethernet device so we  
7 didn't blow it up.

8 Regular Ethernet devices have 75-ohm resistors.  
9 Actually, they're in parallel, so you could have much lower  
10 resistance. But if you just hooked up a very stiff power  
11 supply to a regular Ethernet port, you're likely to blow it  
12 up, and, in fact, I did once.

13 So we set a current limit that you would check  
14 quickly to see if -- as long as you didn't exceed current  
15 limit and were able to maintain a voltage, it didn't shut  
16 down the power supply.

17 And then you would go on to an authentication  
18 process by which you would decide whether that thing was  
19 allowed on the network -- or whether the access point was  
20 allowed on the network or not.

21 And then from there, lots of things can happen.  
22 You can increase the power limit. You can decrease it.  
23 There was all sorts of possibilities that we had conceived  
24 of, depending on what the eventual limit would be.

25 QUESTION: Was the power that was used during the

1 detection and authentication that you've just described  
2 sufficient to power the entire access device?

3 ANSWER: No. No. We tried to keep it very -- and,  
4 remember, the entire access device -- you know, we -- nothing  
5 existed. This was the very first Power over Ethernet thing,  
6 and it consumed -- when you turned the radios on, it consumed  
7 a lot more power than during the initial process.

8 But we did no -- we knew that people would  
9 eventually put all sorts of things on the network. We just  
10 didn't know what. So we were certain in our case to keep the  
11 power limited during the initial association and  
12 authentication and then crank up the power.

13 QUESTION: In the late 1996 time frame, was it  
14 routine for systems engineers to implement a staged  
15 power-up-type system?

16 ANSWER: I would say yeah. Yes. I would say yes.  
17 It was pretty routine.

18 QUESTION: I'm going to hand you what is being  
19 marked as Exhibit 5, which is U.S. Patent No. 5,994,998  
20 titled, Power Transfer Apparatus for Concurrently  
21 Transmitting Data and Power Over Data Wires, with the named  
22 inventors as being David Fisher and Lawrence Burns and  
23 Stephen Muther.

24 Do you recognize this document?

25 ANSWER: Yeah. It's a patent.

1 QUESTION: Is the invention that is captured in the  
2 '998 patent, is that a result of the development of the  
3 Fisher system that we discussed earlier today?

4 ANSWER: Yes, it is.

5 QUESTION: Do the '998 patent and the Fisher system  
6 disclose a system for providing current and network data  
7 traffic over the same Ethernet line to a remote device?

8 ANSWER: It does.

9 QUESTION: And do the '998 patent and the Fisher  
10 system disclose providing Power over Ethernet to a remote  
11 access device?

12 ANSWER: It does.

13 QUESTION: Can you please explain to the jury how  
14 the '998 patent and the Fisher system disclosed providing  
15 Power over Ethernet to a remote device?

16 ANSWER: Well, I haven't read this thing in  
17 20 years, but the -- the notion of -- like in the first page,  
18 there is a power and data coupler, which was ostensibly this  
19 guy, which, you know, 110 was -- this was power and data  
20 coupler, and here is the external power source, which is 150  
21 in the patent, and this little cable, 120, on that picture,  
22 that's 120 right here.

23 That's -- I'm sorry. This is 120 right here. The  
24 data signal is 104. And so this is the cable data signal 104  
25 that goes off to the communication network, which, in this

1 case, would be the form of a Ethernet hub or router. So this  
2 is 104.

3 If I had a data -- if I had a Ethernet cable with  
4 me, which, strangely, I do -- so this is a Cat 5 Ethernet  
5 cable. So this would be 107. And if we took this apart, you  
6 know, this would be 107, which got plugged right in here,  
7 like that. And the other end of 107 would go into this,  
8 which is the wireless access point.

9 And the power and data decoupler is this little  
10 gizmo right here. And out -- you know, that would be 170, is  
11 this guy right here. So the power signal 105 is buried  
12 inside the trace, and that goes into the voltage regulator  
13 gizmo.

14 And the network device 100 is this guy right here  
15 that says parallel tasking, the 3Com Ethernet, and then, of  
16 courts, the microcontroller that ran all the protocol stacks.  
17 So this is all kind of -- everything else here is sort of 100  
18 on that.

19 And the way it basically worked was this guy  
20 injected the power, and here is where it comes in across the  
21 Cat 5, and we strip the power off here and send the data over  
22 here to the Ethernet chip.

23 And, yeah, that's all pretty much in that.

24 QUESTION: Was the Fisher system capable of  
25 determining whether or not an access point was able to accept



1 QUESTION: Do you have any recollection of  
2 presenting the authentication system that you had developed  
3 at 3Com to the IEEE task force?

4 ANSWER: I don't -- I can't answer that. I don't  
5 recall.

6 QUESTION: Do you recall if anybody else at 3Com  
7 presented that authentication system to the IEEE task force?

8 ANSWER: I have no knowledge.

9 QUESTION: Are there any documents that you  
10 retained yourself relating to this authentication system?

11 ANSWER: No. No. I didn't retain any of that  
12 documentation.

13 QUESTION: Was this authentication system concealed  
14 from the public?

15 ANSWER: I can't answer that.

16 QUESTION: When you say you can't answer that --

17 ANSWER: I don't know. I don't know.

18 QUESTION: And did you have any conversations with  
19 experts in this litigation?

20 ANSWER: Well, you mean -- I have to be careful.  
21 Over the last 20 years, I've probably been -- I've been  
22 involved in a number of litigations on Power over Ethernet.  
23 I don't quite know what you mean by "this litigation."

24 QUESTION: I mean this case concerning the '930  
25 patent.

1 here --

2 ANSWER: Uh-huh.

3 QUESTION: -- these are all taken at the same time;  
4 is that correct?

5 ANSWER: Yeah. Yeah.

6 QUESTION: And that was maybe a few months ago; is  
7 that correct?

8 ANSWER: Sometime in the last year.

9 QUESTION: Okay. Under your system, during  
10 authentication, the access device would start up and operate  
11 and send the data back and forth to the switch; is that  
12 correct?

13 ANSWER: The -- in operation, when the device was  
14 plugged in, you know, the first thing it had to do was to  
15 make sure it wasn't an Ethernet thing. Otherwise, the power  
16 supply on the host end would shut down.

17 Then, inevitably, we would exchange data packets  
18 for authentication, and information passed back and forth at  
19 a high level.

20 QUESTION: Okay. So in the detection system that  
21 you invented, the first thing that would happen is that some  
22 power would be sent to the access point, the access point  
23 would start up, operate, and send some data back to the  
24 security server; is that correct?

25 ANSWER: That's correct, uh-huh.

1 COURT SECURITY OFFICER: All rise.

2 (Lunch recess.)

3  
4 CERTIFICATION

5  
6 I HEREBY CERTIFY that the foregoing is a true  
7 and correct transcript from the stenographic notes of the  
8 proceedings in the above-entitled matter to the best of our  
9 abilities.

10  
11  
12 /s/ Shea Sloan

November 10, 2017

SHEA SLOAN, CSR

Official Court Reporter

State of Texas No.: 3081

Expiration Date: 12/31/18

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16  
17 /s/ Judith Werlinger

JUDITH WERLINGER, CSR

Deputy Official Court Reporter

State of Texas No.: 731

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